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The Catholic Layman.

DUBLIN, MAY 15, 1857.

"Romans, that have spoke the word,
And will not palter." —Julius Caesar.

We have heard somewhere a story (illustrative of the binding effects of oaths on a certain class of consciences) of an Irishman—we are afraid not a very honest one—whose objections to the oppressive and inquisitorial character of the income tax were suddenly removed by hearing that the amount of income to be charged would practically be regulated by the conscience of the party to pay it, as his oath would be taken in all cases where the Commissioners were not satisfied with the return made to them. "And will they *lave* it to my oath? Ogh! that's another matter entirely!" We suppose that Paddy had heard of "driving a coach and six through an act of Parliament," and did not think he would find it a matter of much greater difficulty to drive one through an OATH! From certain experiences which we have had during the last few years, we fear that this mode of dealing with the most solemn obligations is not quite unheard of even in higher quarters.

Our readers' attention has been called recently more than once to the subject of Roman Catholic morality as taught by that school of theologians now unhappily predominant at Maynooth and elsewhere in Ireland, and though we do not profess to deal with politics, we may perhaps be excused, at the commencement of a new Parliament, in which a large number of new legislators have just entered the House of Commons for the first time, if, relatively to the moral aspect of the subject, we make a few remarks upon the nature of the oath, which expressly constitutes the condition on which no inconsiderable number of those legislators now enjoy the privileges long denied to Roman Catholics, of sitting, speaking, and voting in that assembly.

Our readers are, of course, aware, that instead of the oaths, previously required, of supremacy and abjuration, which no Roman Catholic, it is admitted, could conscientiously take, persons professing the Roman Catholic religion are now admitted to sit and vote in both houses of Parliament upon taking another oath, which, after swearing faithful and true allegiance to her Majesty, and the Protestant succession to the Crown, and solemnly renouncing and abjuring certain opinions at variance with the safety and temporal pre-eminence of the Sovereign of these realms, proceeds as follows:

"I do swear, that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws. And I do hereby disclaim, disown, and solemnly abjure any intention to subvert the present Church Establishment, as settled by law within this realm. And I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion and Protestant government in the United Kingdom. And I do solemnly, in the presence of God, profess, testify, and declare, that I make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever. So help me GOD."

If we had not been somewhat enlightened by

the practice of certain persons who have entered the House of Commons upon the foregoing conditions, we should, writing as we do, for educated gentlemen and honest men, have supposed that the most lax system of Jesuit casuistry could scarcely have originated a doubt about the stringent nature of the obligations imposed upon every individual taking it, to abstain from doing anything, directly or indirectly, to disturb or weaken the Protestant religion by law established in the United Kingdom. Had any one in the Parliament of 1829 opposed the Emancipation Bill, then under discussion, by contending that an oath so framed would present no obstacle to a conscientious Roman Catholic voting or speaking in his place in Parliament in favour of any measure introduced for the purpose of diminishing or abolishing the temporalities of the Irish Establishment, he would have been cried down as a bigoted calumniator of his Roman Catholic fellow-subjects, and told that human language could not be made more strong for the protection of the Established Church, and that no intelligent man could honestly evade it. One of the advocates of the measure, the Right Hon. C. W. W. Wynn, did in fact almost in terms use that very argument, when he said—

"Sir, I am satisfied that oath cannot be strengthened. I should be glad if it were shorter; but I will ask, if any person believes that any person could take such an oath as this and honestly evade it? If an individual applied himself to discover *equivocation* in an oath, I fear no oath could be devised that would bind him!"

Sir Robert Peel on the same occasion, when Mr. Estcourt, M.P. for Oxford, proposed, in addition to the abjuring clause, a further disclaimer of intention "to make any attempt to subvert or injure the Church Establishment," answered—

"That in the next clause of the oath the Roman Catholic was called on to swear that he would never exercise any privilege to which he was or might become by law entitled to disturb or weaken the Protestant religion. He would ask if that were not enough. He thought the proposed amendment would weaken the force of the oath."

In proposing the same bill, Sir Robert Peel, having manifestly the fifth Article of the Legislative Union before his mind,^a thus expressed his view of the intention of the proposers of it:—

"Sir, there is one principle which pervades this measure—it is the maintenance *intact* and inviolable of the Protestant religion, doctrine, discipline, and government, in such manner as to reconcile the two great objects of the removal of restraints on the civil privileges of Roman Catholics, with the preservation of the rights of the Established Church in as permanent and inviolable manner as they ever existed."

Well, the proposed measure passed into law on the 13th April, 1829, and now appears upon the statute book under the title of "An Act for the relief of his Majesty's Roman Catholic subjects," 10 Geo. IV., c. 7, commonly called the Emancipation Act.

For some time the oath appears to have been understood and acted on in the spirit of its imposers; and if we can trust an alleged eyewitness, a man of gigantic abilities and great legal acuteness, the late Daniel O'Connell (who so often boasted of his power to drive a coach and six through an act of Parliament), felt, and for some time, at least, acted on the feeling, that no conscientious Roman Catholic could escape from the solemn obligations which this introductory oath imposed on him; for Mr. Henry Grattan, in proposing Sir Charles Domville at the County of Dublin Election, used these words:—

"I have, in the House of Commons, witnessed the conduct of Mr. O'Connell; when a question respecting the

^a "That it be the fifth article of Union that the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called 'The United Church of England and Ireland,' and that the doctrine, worship, discipline, and government of the said United Church shall be and shall remain in full force for ever, as the same are now by law established for the Church of England, and that the continuance and preservation of the said united church as the Established Church of England and Ireland shall be deemed and taken to be an essential and fundamental part of the Union."

Established Church came on, he took his hat and went away." (cheers).

The present Duke of Norfolk, though a zealous Roman Catholic, has, we are informed on credible authority, always done the same thing.

Time rolled on, however, and having once got a number of Roman Catholics safely seated in the House of Representatives of the nation, the ingenuity of Jesuit casuists has discovered that the strong words of this most stringent of all oaths can be honestly evaded, and that the most conscientious Roman Catholic, without forfeiting the character of a nobleman or a gentleman, may speak and vote in either house of Parliament in favour of the total abolition of the Church Establishment in either England or Ireland, as far as it is possible for any act of Parliament to abolish it!!

And where do our readers suppose that such testimony is to be found?

We shall first refer to an essay on the writings of Thomas Babington Macaulay by Dr. Patrick Murray, Professor of Dogmatic and Moral Theology in the Royal College at Maynooth, published in 1850. In page 160, this Professor of Moral Theology, though he does not venture to commit himself positively to a view so dangerous perhaps to the very existence of the Royal College of Maynooth, as the result we have referred to might be in the hands of Protestant opponents to that establishment, plainly shows his desire that there were now in existence such Jesuits as Father Suarez, who might settle what he calls "this piece of casuistry" one way or other, and pretty plainly shows which way he would desire it to be settled, by sneering at his more hesitating brethren as fitly associated with those whom he denominates "canting rogues," whether Protestant or Roman Catholic he does not think fit to inform us.

Here is the argument of the learned professor:

"The law of God binds us to keep a promissory oath. Catholic members of Parliament swear not to use any privilege vested in them to the injury of the Protestant Church as by law established in these realms. Does this mean that a Catholic member of Parliament shall not exercise his power of voting in favour of any measure introduced for the purpose of diminishing or abolishing the temporalities of the Irish Establishment—or curtailing the number of bishoprics or benefices of any kind? Or does it only mean that he shall not use his privileges to accomplish such objects by *violent, fraudulent, or other unlawful means*? In favour of this latter interpretation, a *great deal may be urged*. If the former meaning be that intended by the legislative authority which framed and sanctioned the oath, the same end might have been attained in a manner not more offensive, infinitely less bungling and uncertain,—namely, by having inserted in the Emancipation Act a clause depriving Catholic members of the right of voting on such questions. To confer upon men the power of voting, and at the very same time to compel them to swear that they shall not vote, except one way, is a very absurd proceeding. Again, what is the meaning of the words 'By law established?' Do they signify established by the law as it stood when the Emancipation Act passed; or as that law stands for the time being? The first cannot be said, for the Protestant Church does not now exist in that shape. If a member of Parliament cannot vote against the Church Establishment, neither can he, as a member of Parliament, speak against it; for thus, too, he would exercise his senatorial privileges. If he enumerates the *monstrous evils*; if he depicts the *hideous iniquity* of this *abomination of desolation*; if he originates or openly concurs in any motion for its quick or gradual removal, he is a perjurer. Again, the Catholic member swears not to use his privileges to disturb or weaken the Protestant religion; so he cannot, as a member of Parliament, utter a single word by way of argument against any of what he, of course, believes to be the *absurdities and contradictions* of the Thirty-nine Articles, if an occasion should arise to render this expedient and becoming. Thus much, and a great deal more, might be urged in favour of what may be called the *more liberal interpretation of the oath*. Still, there are sensible and conscientious men (along with some canting rogues) who hesitate. We do not purpose in this place to express any leaning to either side; we are merely stating difficulties. It is of considerable importance that this piece of casuistry should be settled in one way or other. Whose interpretation is to be taken as a safe and sure guide? That of the imponent? Who is the imponent? The Government, or Legislature, of 1829, or both together; or later Parliaments, or the Parliament for the time being, or the community at large? If Father Suarez lived now, his decision on this case, delivered in his own luminous and solid manner, would tend much to the

quiet of some consciences, and, perhaps, induce Mr. Macaulay to doubt whether there were not, after all, a meaning in this casuistry he little dreamed of."

So, because by Sir Robert Peel's bungling, Roman Catholic members of Parliament were not in terms deprived of the power of voting on such questions, and were only impeded in the exercise of that power by such a mere rope of sand, as the strongest oath the Legislature could devise when conferring parliamentary privileges upon Roman Catholics, Roman Catholics may conscientiously special plead themselves out of the manifest meaning of the Legislature which granted those privileges, and by playing upon words, which the Maynooth professor of moral theology calls "a more liberal interpretation of the oath," do the very thing which the object of the oath was to prevent them from doing, and but for which supposed safeguard to the Protestant Church, Roman Catholics would never have got the power which it is now contended they may honestly and conscientiously exercise to its prejudice!!

There is, indeed, a meaning and an object in Jesuit casuistry, which Protestant moralists could neither anticipate or appreciate!

We cannot condescend to discuss seriously such arguments as that "solemnly abjuring any intention to subvert the present Church Establishment as settled by law within this realm" means only subverting it by "violent, fraudulent, or other unlawful means!" Are parliamentary privileges upon any subject capable of being exercised by "violent, fraudulent, or unlawful means?" Does Dr. Murray believe that if such qualifying words had been introduced in terms into the oath, a single Roman Catholic would ever have been permitted to enter the doors of either House of Parliament? Is there any Roman Catholic member in the House who would have the hardihood to tell the Commons of England at the present day, that he introduced that mental evasion himself when taking an oath which ends with the words, "I do solemnly declare, in the presence of God, that I make this declaration in the plain and ordinary sense of the words, without any evasion, equivocation, or mental reservation whatsoever?" Nor shall we waste time in discussing the meaning of the words, "the present Church Establishment, as settled by law within this realm;" for we apprehend no sane man can doubt the identity of that Establishment as it now exists with that of both 1800 and 1829. And when Dr. Murray suggests that a Roman Catholic member may conscientiously, without any intention to subvert the Church Establishment, or to disturb or weaken the Protestant religion, depict in the strongest language his earnest desire both to subvert, disturb, and weaken it, by dilating on the "monstrous evil," the "hideous iniquity" of such an Establishment, and denouncing it as "the abomination of desolation" spoken of in the Apocalypse, we are quite sure that such a suggestion will be disapproved of by all high minded Roman Catholics just as much as by Protestants; and if this be a fair sample of the moral doctrines taught at Maynooth, Maynooth does not represent the views of the Roman Catholic gentlemen of Ireland. The question, of course, is not whether or not they believe the Established Church to be, "a monstrous evil" or "a hideous iniquity," but whether men who have, in order to get admission into Parliament, sworn that they will do nothing to subvert, disturb, or overturn it, can honestly or conscientiously set that oath at nought by quibbling or casuistry. Let them try to get such oath abolished or dispensed with if they will, but, in the name of honor and honesty, let all men of principle join in discountenancing those who would lead any one to trifle or palter with such oaths while they are in force.

Let us turn, however, to a still more recent

attempt to evade the plain words of this most stringent of all oaths.

The eldest son of the Earl of Kenmare, Lord Viscount Castlerosse, has recently been returned for his native county, Kerry; and Daniel O'Donoghue, Esq., commonly called "O'Donoghue of the Glens," a lineal descendant from one of the old Irish chieftains, has taken the oaths and his seat as member for the county of Tipperary; both members professing the Roman Catholic religion.

A correspondence appeared in a provincial paper,^b during the last month, upon the subject of this oath, between a Protestant elector and a Roman Catholic gentleman of Killarney, supposed to be very influential with the young nobleman referred to, in which not only Dr. Murray's addition to the word subvert, i.e., by what the writer elegantly calls "hurly-burly innovation," is again brought forward and gravely relied on, but a new quibble, which never occurred to the Maynooth professor, is introduced, viz., that the power of speaking and voting in Parliament is not a privilege, but a duty; and therefore, forsooth, the oath, however solemn, not to exercise "any privilege to which he may be or become entitled, to subvert or weaken the Protestant religion or Church Establishment," does not in any way apply to speaking or voting against them with the intention of subverting or injuring them as far as in his power! Dr. Murray treats the right to speak and vote as privileges. It would be easy to show that Sir R. Peel, and every other member who advocated the cause of emancipation, did the same. In legal parlance, it was the most extensive and suitable word that could have been used to describe, in one phrase, the new powers conferred on Roman Catholics; and yet this would-be adviser of a highly honourable young nobleman would persuade him and others that they may honestly and honourably, and with the most pure conscience, special plead upon what, at the most, is an equivocal word, and limit the "privileges" which Roman Catholics are not at liberty to use against the Protestant Established Church—to what? Will our readers believe it?—merely to privileges, if there be any such, of the same class as, "the permission to be absent, the power to frank, while it existed, the freedom from arrest, and the like," none of which, we need scarcely remark, cou'd by possibility have been used to "subvert the Church," and which, therefore, never could have been within the meaning of the Legislature when framing the terms of the oath in question.

If there be any one of our numerous Roman Catholic readers who is disposed for a moment to rest satisfied with this quibbling distinction between duties and privileges, we would beg of him to name or define the privileges which any member of Parliament, as such, could exercise to subvert or overturn the Established Church, and to which he supposes the oath in question to refer, except the palpable ones of advocating or voting for measures calculated to overturn or subvert it.

It is the duty, no doubt, as well as the privilege of members of the Legislature to vote for such measures as they deem to be for the good of the State, where they can do so without violating or trifling with the sworn condition on which they alone are admitted; but it is not a duty to palter with the most solemn obligations, or to exercise a privilege which they have sworn never to exercise for an object prohibited by the very terms on which alone it was granted.

We anticipate better things of the honesty of the ensuing Parliament than that such men as Lord Castlerosse, The O'Donoghue, or any others of the same class of honourable and right-minded, will allow themselves to be deluded by such false and hollow casuistry, and we cherish

the hope that a sounder and better tone of moral principle will spring up among the rising generation of our public men than, we regret to believe, has for some years back prevailed among a certain class of them, who seem to have thought themselves at liberty to act in a manner, as members of Parliament, which would have disgraced them forever as men of honour and veracity in any society of private gentlemen in her Majesty's dominions.

THE DECIAN PERSECUTION—MARTYRDOM OF ST. CYPRIAN.

"If we seriously consider the purity of the Christian religion, the sanctity of its moral precepts, and the innocent, as well as austere, lives of the greater number of those who, during the first ages, embraced the faith of the Gospel, we should naturally suppose, that so benevolent a doctrine would have been received with due reverence, even by the unbelieving world; that the learned and the polite, however they might deride the miracles, would have esteemed the virtues of the new sect; and that the magistrates, instead of persecuting, would have protected an order of men who yielded the most passive obedience to the laws, though they declined the active cares of war and government. If, on the other hand, we recollect the universal toleration of polytheism, as it was invariably maintained by the faith of the people, the incredulity of philosophers, and the policy of the Roman Senate and Emperors, we are at a loss to discover what new offence the Christians had committed, what new provocation could exasperate the mild indifference of antiquity, and what new motives could urge the Roman princes, who beheld without concern a thousand forms of religion subsisting in peace under their gentle sway, to inflict a severe punishment on any part of their subjects who had chosen for themselves a singular, but an inoffensive, mode of faith and worship. The religious policy of the ancient world seems to have assumed a more stern and intolerant character, to oppose the progress of Christianity."

No writes the infidel historian, Gibbon, in commencing that chapter of his "Decline and Fall of the Roman Empire" in which he uses all his ingenuity to palliate the conduct of the Roman government towards the Christians from the reign of Nero to that of Constantine; and a stern and intolerant policy it, indeed, was, which drew from the inimitable pen of the pagan Tacitus, the celebrated passage (which Gibbon^a himself is obliged to concede that the most sceptical criticism must respect the truth and integrity of) which records, among other important facts corroborative of the truth of the Christian history, that "the most exquisite tortures were inflicted on those men who, under the appellation of Christians, were branded with infamy. . . . They died in torments, and their torments were embittered by insults and derision. Some were nailed on crosses; others sewn up in the skins of wild beasts, and exposed to the fury of dogs; others, again, smeared over with combustible materials, were used as torches to illuminate the darkness of the night. The gardens of Nero were destined for the melancholy spectacle, which was accompanied with a horse race, and honoured with the presence of the Emperor."

This persecution began in the middle of November, A.D. 64, and continued till the death of Nero, about four years afterward, during which time the Christians suffered every species of cruelty. Towards the close of the first century a new assault was made upon them by Domitian, an emperor little inferior to Nero in baseness of character and conduct; and though some of his laws were repealed by his successor Nerva, there is ample testimony in history that it was a common custom to persecute the Christians, and even put them to death, as often as the pagan priests, or the populace under the instigation of the priests, demanded their destruction. Under even the reign of the renowned Trajan popular tumults were frequently raised in the cities against the Christians, which were fatal to many of them. The edict of Trajan, in answer to the celebrated letter of Pliny, when governor of Bithynia, asking the Emperor for instructions how he was to treat the Christians, whom he described as so numerous that the temples had almost become desolate, (in which edict Trajan enacted that though they were not to be sought after, yet, if regularly accused and convicted, they were to be put to death, if they refused to return to the religion of their fathers,) may, indeed, have set some bounds to the fury of their enemies, but still it caused the destruction of many of them even under the best of the emperors; and according to this same law Trajan himself ordered the great Ignatius, Bishop of Antioch, to be thrown to wild beasts.

The limited object, however, which we propose to ourselves in this article will not permit us to trace the history of Christian persecution through the rest of the second century, and we proceed at once to the middle of the third century, in which, during the reigns of the Emperors Decius, Galba, and Valerian the principal object of our present notice, St. Cyprian, Bishop of Car-